

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTOINE E. BOWMAN,

Plaintiff,

Case No. 24-10188

v.

Hon. George Caram Steeh
Hon. Patricia T. Morris

WAYNE COUNTY SHERIFF,
et al.,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION
(ECF NO. 154) AND DENYING MOTION FOR
PRELIMINARY INJUNCTION (ECF NO. 152)

Magistrate Judge Patricia T. Morris issued a report and recommendation on March 20, 2024, proposing that Plaintiff's motion for preliminary injunction be denied. Plaintiff filed an objection.

With respect to reports and recommendations from magistrate judges, this court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

In a letter to the court, which the magistrate judge construed as a motion, Plaintiff expressed his concern that Wayne County officials may physically harm him in retaliation for filing this lawsuit. Plaintiff was scheduled to return to the Wayne County Jail while awaiting sentencing in state court. As it happened, Plaintiff did not return to the Wayne County Jail for sentencing, but he appeared by video conference.

Although Plaintiff submitted a generalized objection to the magistrate judge's report and recommendation, he does not persuasively address the magistrate judge's reasons for denying injunctive relief. The magistrate judge concluded that Plaintiff's request was unrelated to the claims in his complaint and that Plaintiff did not establish a substantial risk of harm sufficient to confer standing to seek injunctive relief. The court agrees that Plaintiff neither set forth a retaliation claim in his complaint nor a credible threat of retaliation if he were to return to the Wayne County Jail. Moreover, Plaintiff was not transferred to the Wayne County Jail for sentencing, and he has not alleged that there are plans to transfer him in the future. Therefore, Plaintiff's motion is moot. *See Cardinal v. Metrish*, 564 F.3d 794, 798–99 (6th Cir. 2009) (holding prisoner's claims for declaratory and

injunctive relief were rendered moot by his transfer to a different facility);

Kensu v. Haigh, 87 F.3d 172, 175 (6th Cir.1996) (same).

IT IS HEREBY ORDERED that Plaintiff's objections (ECF No. 159) are OVERRULED, Magistrate Judge Morris's report and recommendation (ECF No. 154) is ADOPTED, and Plaintiff's motion for preliminary injunction (ECF No. 152) is DENIED.

Dated: May 21, 2024

s/George Caram Steeh
HON. GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 21, 2024, by electronic and/or ordinary mail and also on Antoine Bowman #697842, Macomb Correctional Facility, 34625 26 Mile Road, New Haven, MI 48048.

s/LaShawn Saulsberry
Deputy Clerk